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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,874	03/02/2000	Swain W. Porter	109911-130400	5325
25943	7590	08/18/2005	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,874

Applicant(s)

PORTER, SWAIN W.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 25-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This application has been examined. The Terminal Disclaimer filed 11/19/04 has been entered. The amendment filed 2/28/05 has been entered.
2. Regarding the restriction requirement, applicant states that both claims 14 and 25 are amended to include the limitation of the reservation of the exclusive user area. However, only claim 14 was amended to incorporate these features fully. The restriction requirement is thereby removed for claims 14-15 and 22, but it remains for claims 25-29 (as well as 30-34).

### Claim Rejections - 35 USC § 102(e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-11, 14-19, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason et al. U.S Patent No. 6,330,010.

As per claim 1: Nason discloses a computer system/ method for displaying data as follows:

the computer system having a display device (68) including a display surface controllable by an operating system (Fig.3);

reserving a first portion (30) of the operating system controllable display surface for exclusive use by a first program; and rendering contents in the reserved first portion of the display surface, by said first program, excluding all other programs from using said reserved first portion of operating system controllable display surface (summary, abstract, Fig.2).

Regarding claim 2, in additional to what is recited in claim 1, Nason's window system allows a window manager to switch to a display mode having a smaller pixel configuration "adjusting parameters for said video display system to increase the number of pixels in a dimension of said video display system by a number of pixels less than or equal to a difference between the number of pixels specified in said video mode and a maximum number of pixels which said video display system can effectively display "(col.4 lines 27-39, and tables 1-3, claims 1,11,18).

Regarding claims 3,7-8, in additional to what is recited in claim 2 or 6, respectively, Nason's system discloses the reserving/ unreserving which inherently aborting a responsive request by the window manager to switch to a display mode having the smaller/ larger pixel configuration "The display is reset to the original resolution, step 126, and the CR registers are reset to their original values" (col.14 lines 10-15, Figs.7,9 tables 1-3).

Regarding claims 4,9, in additional to what is recited in claim 2, Nason's system discloses the reserving further comprises pre-alerting an exclusive-use display area manager of said display mode switch request to said window manager "System resolution messages are received whenever the system or user changes the screen or color resolution" (col.14 lines 9-15).

Regarding claims 5-6, in addition to what is recited in claim 1, Nason's system discloses the reserving/unreserving is performed only if the first/ second event is determined to have occurred, respectively "the overscan interface may be constantly visible or it may toggle between visible and invisible states based upon any of a number of programming parameters (including, but not limited to, the state of the active window, the state of a toggle button, etc.)." (col. 4 lines 6-16).

Regarding claims 10-11, in addition to what is recited in claim 1, Nason windows system "Microsoft Windows environments (including Microsoft Window 95 and derivatives, and Microsoft Windows NT 4.0 and derivatives)" (col.4 lines 27-32) inherently has functions for requesting to change a display mode to a full or normal screen mode and temporarily stop / resume rendering contents in the reserved portion of the operating system controllable display surface when changing the display mode to a full or normal. respectively "Referring now in particular to FIG. 7, upon initialization, at Identify Display Type step 102, the program attempts to determine the display type, and current location in memory used by the display driver, in order to determine the size and locations of any display modifications to be made, e.g. to the size and location of overscan area(s) to be used " (col.6 lines 67-67).

Regarding claim 14-15 and 22, these show the same features as claims 2-4 and are rejected for the same reasons.

Regarding claims 16-19, they contain similar features in scope to claims 1-11. Thus, they are rejected under similar rationale.

Regarding claims 21,23, in addition to what is recited in claims 1,16, Nason's system discloses an article of manufacture having a recordable medium having stored

thereon a plurality of programming instructions to be executed by a processor (claims 44-55) .

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13,20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. U.S Patent No.6,330,010. in view of Gould et al. U.S Patent No. 6,583,793.

Regarding claims 12-13,20, 24 in addition to what is recited in claims 1,10, Nason fails to disclose "intercepting all page flipping calls by said application, and forwarding each of said page flipping calls onward only after said first program has updated a back buffer." However, it was known in art that that page flipping calls onward with a back buffer are associated in the window environment . For example, Gould discloses "page flipping the back buffer to a front buffer after the three dimensional object has been written into the back buffer " (claim 1). Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention to use Gould's teaching of page flipping, and back buffer teaching with Nason

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system to effectively and efficiently provides real time integration of three-dimensional objects and live video in GUI environment as Gould suggested (col.3 lines 10-13). Regarding claim 24, in addition to what is recited in claim 20, Gould's system discloses an article of manufacture having a recordable medium having stored thereon a plurality of programming instructions to be executed by a processor (claims 13-22).

4. Applicant's arguments filed 2/28/05 have been fully considered but they are not persuasive. In particular, it is exactly the reserved portion of the display surface which has been bypassed and is now controllable by an operating system, even if not the same operating system originally controlling it. However, do note that in view of the Terminal Disclaimer, the double patenting rejection has been removed. The 112 rejection has been removed as well in view of the amendment. Applicant's representative is invited to contact Examiner to discuss claim interpretation.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

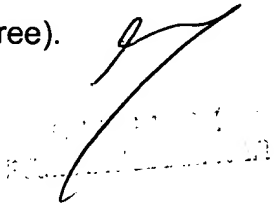
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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